

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDGAR JUAREZ GONZALEZ, DIONICIO EVARISTO,
and NATALIO MALDONADO,

Plaintiffs,

v.

EMPIRE CORNER OF 8 INC. d/b/a EMPIRE CORNER,
JOHN DOE CORPORATION d/b/a "U" LIKE GARDEN,
XIN LI, YAN XU, ZHEN LI, XIANG ZHEN XU,

Defendants.

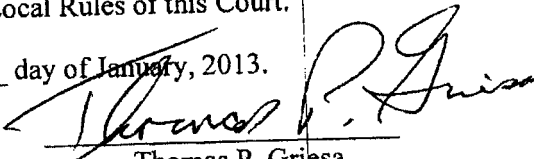
12 Civ. 6167 (TPG)

~~PROPOSED~~ SCHEDULING
ORDER

Upon review of the information contained in Joint Report and Civil Case Management Plan (the "Plan") submitted by the parties, the Court orders that the time limits for filing motions and completing discovery are as set out in the Federal Rules of Civil Procedure and the Local Rules of this Court as modified by the Plan.

This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend dates herein (except as noted in paragraph 6 of the Plan) shall be made by motion as provided in the Federal Rules of Civil Procedure and the Local Rules of this Court.

IT IS SO ORDERED, this 8th day of January, 2013.


Thomas P. Griesa
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDGAR JUAREZ GONZALEZ, DIONICIO EVARISTO,
and NATALIO MALDONADO, {

Plaintiffs, {

v. {

EMPIRE CORNER OF 8 INC. d/b/a EMPIRE CORNER,
JOHN DOE CORPORATION d/b/a "U" LIKE GARDEN, {
XIN LI, YAN XU, ZHEN LI, XIANG ZHEN XU, {

Defendants. {
-----X

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**JOINT RULE 26(f) REPORT
AND CIVIL CASE
MANAGEMENT PLAN**

This Joint Report and Civil Case Management Plan (the "Plan") is submitted by the parties in accordance with Rule 26(f)(3), Fed. R. Civ. P.

1. Service of Process: Plaintiffs have successfully served all Defendants, and have confirmed the completion of service of process with Defendants' counsel in a letter dated November 5, 2012.
2. Meeting of Counsel: Counsel for the parties met on December 17, 2012, to discuss the matters enumerated in Rule 26(f) (the "Rule 26(f) Conference"), including the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, and to develop a proposed discovery plan. Counsel certify that they attempted in good faith to agree on a proposed discovery plan. The result of the discussion on these matters is set forth below.
3. This case is not to be tried by a jury.
4. Initial disclosures, pursuant to Rules 26(a)(1), Fed. R. Civ. P., shall be completed not later than January 25, 2013.
5. All fact discovery shall be completed no later than May 1, 2013.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the court, provided that all fact discovery is completed by the date set forth in paragraph 5 above:

- a. Initial Requests for production of documents to be served by February 1, 2013.
- b. Interrogatories to be served by March 21, 2013.
- c. Deposition to be completed by May 1, 2013.
- d. Requests to Admit to be served no later than March 21, 2013.

7. Discovery Plan pursuant to Rule 26(f)(3):

a. Subjects of Discovery

Without limitation, Plaintiffs will seek discovery to determine the following:

- Facts supporting Plaintiffs' claim that Defendants willfully violated the Fair Labor Standards Act's ("FLSA's") minimum hourly wage requirements;
- Facts supporting Plaintiffs' claim that Defendants willfully violated the FLSA's overtime wage requirements;
- Facts supporting Plaintiffs' claim that Defendants willfully violated the New York Labor Law's ("NYLL's") minimum hourly wage requirements;
- Facts supporting Plaintiffs' claim that Defendants willfully violated the NYLL's overtime wage requirements;
- Facts supporting Plaintiffs' claim that Defendants willfully violated the NYLL's spread-of-hours requirement;
- Facts supporting Plaintiffs' claim that Defendants violated the NYLL's hiring and annual notice provision;
- Facts supporting Plaintiffs' claim that Defendants violated the NYLL's paystub notice provision;
- Facts supporting Plaintiffs' claim that Defendants were unjustly enriched by requiring plaintiffs to purchase and maintain tools of the trade;

- Facts supporting Plaintiffs' claim that Defendants discriminated against Plaintiffs in violation of the New York City Human Rights Law;
- Facts supporting Plaintiffs' claim that Defendants discriminated against Plaintiffs in violation of the New York State Human Rights Law.
- Facts supporting Plaintiffs' allegation that the individual defendants are "employers" under both the FLSA and NYLL.
- Facts supporting Plaintiffs' allegation that the corporate entity Defendants are engaged in interstate commerce.

Without limitation, Defendants will seek discovery to determine the following:

- To be determined.
- b. Electronically Stored Information: Electronically stored information ("ESI") shall be produced either as it is maintained in the ordinary course of business or in a searchable electronic format (e.g., Tagged Image File format ("tiff") with extracted text and standard metadata). The parties hereby reserve the right, where appropriate, to seek certain electronic documents, such as Excel spreadsheet, in their native form. The parties will endeavor to cooperatively reach agreement on other issues relating to discovery of ESI as such issues arise.
- c. Privilege Log: Within 15 days of the date on which responses to each request for production of documents is served, the parties must provide a log of all documents and things requested in discovery that they have withheld from production on the grounds that the items are subject to the attorney-client privilege, work-product privilege, or any other applicable privilege or protection. Such logs need not include any communications between the parties and their counsel of record in this litigation as of the filing of the Complaint on August 10, 2012.
- d. Interpreter: Spanish and Mixtec interpreters may be required for proceedings that any Plaintiff attends. Any deposition noticed for Edgar Gonzalez requires a Spanish interpreter. Any deposition noticed for Natalio Maldonado or Dionicio Evaristo require a Mixtec interpreter. The parties agree that the party who notices a deposition will pay any interpreter costs required for that deposition. The party hiring an interpreter may choose the interpreter required for any proceeding, subject to objections and court approval if necessary. Each party shall pay any

interpreter costs for interpreters that party requires at trial and court conferences.

8. All dispositive motions to be filed by July 1, 2013.

Respectfully submitted this 7th day of January, 2013.

s/

s/

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